

Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

310.2 POLICY

It is the policy of the Easton Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 DEFINITIONS

Bite Ratio: The number of canine apprehensions accomplished by means of a dog bite divided by the total number of canine apprehensions (both with and without a bite). The number of this ratio shall include accidental bites.

Canine Apprehension: Any time the canine is deployed and plays a clear and well- documented role in the capture of a person. The mere presence of a canine at the scene of an arrest shall not be captured as an apprehension.

Canine Deployment: Any situation in which a canine is brought to the scene and either 1) released from the police vehicle or 2) the suspect surrenders to the police immediately after an announcement is made if he/ she does not surrender the canine will be released

Open Area Search: Any situation in which the canine is working off lead to locate and evading suspect utilizing both scent and sight.

Tracking: The utilization of a canine's senses, predominately the olfactory sense, in an attempt to locate an individual (suspect or not) or item. Tracks are conducted on lead.

310.4 ASSIGNMENT

The canine teams shall be assigned to assist and supplement the Patrol Division. Canine teams should function primarily in assisting or cover assignments. However, they may be assigned by the Shift Supervisor to other functions, such as routine calls for service, based on the current needs of the Department.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Shift Supervisor.

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310.5 EXECUTIVE OFFICE OF THE PATROL DIVISION

The Chief of Police shall delegate certain responsibilities to the Executive Officer of the Patrol Division.. The First Sergeant shall be appointed by the Chief of Police and is directly responsible to the Patrol Commander or the authorized designee.

The responsibilities of the First Sergeant include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for continuous training to maximize their capabilities.

310.6 REQUESTS FOR CANINE TEAMS

Members within the Department are encouraged to freely solicit the use of a canine. Requests for a canine team from outside of the Patrol Division shall go through the Shift Supervisor.

310.6.1 OUTSIDE AGENCY REQUEST

The Shift Supervisor or the First Sergeant must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler shall have the ultimate authority to decline the use of the canine for any specific assignment.
- (c) Calling out canine teams that are off-duty is at the discretion of the on duty patrol supervisor.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

310.6.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be approved by the First Sergeant prior to making any commitment. The First Sergeant is responsible for obtaining resources and coordinating

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involvement in the demonstration to include proper safety protocols. Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the First Sergeant..

310.7 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require viewing the totality of the circumstances and the use of an objective reasonableness standard to review the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer shall not serve as good cause for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such application should be conducted on-leash or under such conditions that the canine will not bite or otherwise injure the individual, if located.

In all applications, once the suspect has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay position or be otherwise secured as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly remove the canine from the suspect.

310.7.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.

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- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

The handler will evaluate each situation and determine if the use of a canine is feasible and reasonable, and shall have the authority to decline the use of the canine. A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

310.7.2 WARNINGS AND ANNOUNCEMENTS

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the suspect does not surrender shall be made prior to releasing a canine. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. The handler should record the announcements via department radio and/or body worn camera. If available, warnings given in other languages should be used as necessary.

The canine handler, when practicable, shall first advise the supervisor of his/her decision if a warning is not given prior to releasing the canine.

In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.7.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor shall be promptly notified and the injuries documented in a canine use report. Any injury caused by the canine shall be photographed as soon as practical. The injured person shall be treated by emergency medical services personnel at the scene and transported to an appropriate medical facility as necessary. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine during deployment, operations, training, presentations, or under any other circumstances while on- or off-duty shall be promptly reported to the First Sergeant. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

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The First Sergeant shall complete the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make it available to the local health officer within 24 hours (COMAR 10.06.02.05.) The Talbot County Health Department shall be contacted regarding the incident and the canine handler will follow the instruction of the Talbot County Health Department.

310.8 NON-APPREHENSION GUIDELINES

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention.) In such circumstances it will be necessary for the handler to evaluate the conditions and ability of the canine in order to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such applications should be conducted on-leash.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Once the individual has been located, the handler should secure the canine to prevent unintended bites and/or injury..

310.8.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.8.2 CONTROLLED DANGEROUS SUBSTANCE DETECTION

A canine trained in the detection of controlled dangerous substances (CDS) may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles where CDS could be concealed.
- (b) Assisting in the search for CDS during a search warrant service. Areas searched should be consistent with the area and items listed in the warrant
- (c) Obtaining a search warrant by using the CDS-detection trained canine in support of probable cause.

A CDS-detection trained canine will not be used to search a person for CDS.

310.8.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

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- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

310.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Living within 30 minutes travel time from the Easton Town limits.
- (c) The canine position is appointed and terminable by the Chief of Police.

310.10 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Easton Police Department facility.
- (d) Handlers shall permit the First Sergeant to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the First Sergeant as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the Town at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

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- (h) Under no circumstances will the canine be lodged at another location unless approved by the Shift Supervisor or First Sergeant.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the First Sergeant or Shift Supervisor.
- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the First Sergeant so that appropriate arrangements can be made. The canine will be lodged at an approved boarding kennel.

310.10.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

310.11 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA.)

310.12 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the First Sergeant or Shift Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

310.13 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of CDS and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills

The First Sergeant shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

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310.13.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Easton Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training to benefit the specific needs of the canine, with approval of the First Sergeant and Patrol Commander..
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Patrol Commander.department.

310.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.13.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file to include K9 Track Program.

310.13.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled dangerous substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Easton Police Department may work with outside trainers with the applicable licenses or permits.

310.13.5 CONTROLLED DANGEROUS SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled dangerous substances for the purpose of CDS-detection canine training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled dangerous substances seized by the Easton Police Department to be possessed by the member or a CDS-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled dangerous substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request CDS-detection training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled dangerous substances.

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310.13.6 CONTROLLED DANGEROUS SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled dangerous substances and the ever-present danger of the canine's accidental ingestion of these controlled dangerous substances, the following procedures shall be strictly followed:

- (a) All controlled dangerous substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled dangerous substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled dangerous substances and shall keep records regarding any loss of, or damage to, those controlled dangerous substances.
- (d) All controlled dangerous substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled dangerous substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The First Sergeant shall periodically inspect every controlled dangerous substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled dangerous substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled dangerous substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

310.13.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41.)

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The First Sergeant shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.

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- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the First Sergeant, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF.)

310.14 LICENSING

Canines and their handlers shall be licensed with the Maryland State Police prior to being used for law enforcement operations. The handler ID card should be carried by the handler whenever the canine is performing any law enforcement-related function. The canine ID tag shall be attached to the canine's collar and kept on the licensed canine at all times, except when the canine is confined in a kennel or is under the personal charge of the licensed handler. Any change in a canine's handler requires notification to the Maryland State Police (Md. Code PS § 2-313).

Missing ID cards and ID tags shall be replaced as soon as practicable.